

By KLINE.]

[HOUSE FILE No. 268.—JUDICIARY.]

A BILL

FOR AN ACT TO REPEAL SECTION 4691 OF THE CODE OF 1873, AND ENACT A
SUBSTITUTE THEREFOR, RELATING TO COSTS IN CERTAIN CRIMINAL
ACTIONS.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 4691 of the Code of 1873 be and the same is hereby repealed and
2 the following enacted in lieu thereof:

3 Section 4691. That in all criminal prosecutions before a justice of the peace or other
4 magistrate, including preliminary examinations for violations of the criminal statutes,
5 when the information on its face shows that the person making the same is other than
6 the person who is injured by the act complained of, or is not a peace officer, the justice
7 or magistrate shall, before issuing process, require the informant to file in his office a
8 bond, with one or more sureties, to be by him approved in a penalty to be fixed by him,
9 in no case less than one hundred dollars, conditioned for the payment of all costs that
10 may accrue in said court in the event of a failure of the prosecution, unless it is affirma-
11 tively shown on the trial that the prosecution was wholly without malice.